

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**IN RE: REALPAGE, INC., RENTAL
SOFTWARE ANTITRUST
LITIGATION (NO. II)**

**Case No. 3:23-md-3071
MDL No. 3071**

Honorable Waverly D. Crenshaw

**Declaration of Rusty E. Glenn on Behalf of
Shuman, Glenn & Stecker in Support of
Scott & Robins Leadership Application**

This Document Relates to: ALL CASES

**DECLARATION OF RUSTY E. GLENN ON BEHALF OF SHUMAN, GLENN &
STECKER IN SUPPORT OF THE SCOTT & ROBINS LEADERSHIP APPLICATION**

I, Rusty E. Glenn, pursuant to 28 U.S.C. §1746, declare that the following is true and correct to the best of my knowledge and belief.

1. I am a member in good standing of the Supreme Court of Colorado, the U.S. District Court for the District of Colorado and the Tenth Circuit Court of Appeals.

2. I am a partner of the law firm of Shuman Glenn & Stecker (“SGS”), counsel for plaintiffs in the following actions that are part of the above-captioned multidistrict litigation (the “MDL”):

- a. *Weaver v. RealPage, Inc. et al.*, No. 3:23-cv-00357 (M.D. Tenn.)
- b. *Mackie v. RealPage, Inc. et al.*, No. 3:23-cv-00358 (M.D. Tenn.)
- c. *Enders v. RealPage, Inc. et al.*, No. 3:23-cv-00390 (M.D. Tenn.)

3. Pursuant to this Court’s April 19, 2023 Order (ECF. No. 3) and the June 1, 2023 Order (ECF. No. 243), I submit this declaration in support of the Scott & Robins Leadership

Application submitted by Scott+Scott Attorneys at Law LLP and Robins Kaplan LLP (the “Scott & Robins Leadership Application”).

4. I have been a litigator for approximately 16 years. During that time, either I or SGS have been appointed to leadership positions in many different complex cases. *See, e.g., Peace Officers’ Annuity Benefit Fund of Georgia et al. v. DaVita Inc., et al.*, No. 17-cv-00304-WJM-WRN (Co-lead counsel in federal securities class action; recovery of \$135 million); *In re Clovis Oncology, Inc. Derivative Litig.*, No. 2017-0222-JRS (Del. Ch.) (co-lead counsel in complex stockholder derivative action); *In re OSI Systems, Inc. Derivative Litig.*, No. 14-cv-2910-MWF (MRWx) (C.D. Cal.); and *Ingrao v. Stoppenman et al.*, No. 20-cv-2753 (N.D. Cal.) (complex stockholder derivative action; settlement approved consisting of corporate governance changes and \$18 million cash payment).

5. Based on this experience and my understanding of the circumstances of this MDL, I support the Scott & Robins Leadership Application.

6. I am familiar with the work of Scott+Scott Attorneys at Law LLP (“Scott+Scott”). For example, I am currently co-counsel with Scott+Scott in a federal securities class action lawsuit captioned *Oklahoma Police Pension and Ret. Sys. v. Jagged Peak Energy Inc. et al.*, No. 2017CV031757 (D. Colo). An appeal of the *Jagged Peak* case was litigated in the Colorado Court of Appeals and then later at the Colorado Supreme Court, wherein Scott+Scott and SGS obtained a favorable ruling which affirmed a reversal of dismissal order. *Oklahoma Police Pension and Ret. Sys. v. Jagged Peak Energy Inc. et al.*, No. 22 CO 54 (Colo). SGS was also appointed co-lead counsel with Scott+Scott in a complex shareholder derivative lawsuit captioned *In re Altria Group, Inc. Derivative Litig.* No. 3:20-cv-772(DJN) (E.D. Va.). SGS and Scott+Scott recently received final settlement approval in the *Altria* derivative litigation for a settlement involving substantial

changes to Altria's corporate governance practices and \$117 million in monetary payments to be used in funding anti-youth tobacco/vaping programs. SGS and Scott+Scott also successfully litigated (as co-lead counsel), the complex securities class action lawsuit captioned *In re OSI Systems, Inc. Derivative Litig.*, No. 14-cv-2910-MWF (MRWx) (C.D. Cal.).

7. Scott+Scott litigated these cases with the utmost professionalism, dedication, and efficiency. They are eminently qualified to lead the Multifamily Plaintiffs in this MDL and I support the appointment of these two firms as interim co-lead counsel, as set forth in the Scott & Robins Leadership Application.

8. I am also familiar with the firms who are seeking appointment to the Plaintiffs' Steering Committee as part of the Scott & Robins Leadership Application. These law firms are all highly respected based on their substantial experience litigating complex antitrust class actions and achieving outstanding results for their clients and class members. I support the appointment of these firms to positions on the Plaintiffs' Steering Committee.

9. SGS is available and willing to assist the Scott & Robins Leadership team should they ask for our assistance in prosecuting this matter.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 6, 2023, in Denver, Colorado.

s/ Rusty E. Glenn
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